

# THE AMERICAN UNIVERSITY LAW REVIEW

## INDEX TO VOLUME 36

### SPEECH

HOW SHOULD THE COURTS TREAT ADMINISTRATIVE AGENCIES?, <i>The Honorable Abner J. Mikva</i> .....	1
---	---

### ARTICLES

THE EXCUSE OF SELF-DEFENSE: CORRECTING A HISTORICAL ACCIDENT ON BEHALF OF BATTERED WOMEN WHO KILL, <i>Cathryn Jo Rosen</i> .....	11
THE "NO-SOURCE" PRESUMPTION: THE HARSHTEST REMEDY, <i>Robert G. Berger</i> .....	603

## A SYMPOSIUM ON ADMINISTRATIVE LAW 'THE UNEASY CONSTITUTIONAL STATUS OF THE ADMINISTRATIVE AGENCIES'

### INTRODUCTION

REVISITING THE CONSTITUTIONAL STATUS OF THE ADMINISTRATIVE AGENCIES, <i>Frederick R. Anderson</i> .....	277
---	-----

### PRINCIPAL PAPERS

TWO ROADS TO SERFDOM: LIBERALISM, CONSERVATISM AND ADMINISTRATIVE POWER, <i>Theodore J. Lowi</i> .....	295
BEYOND DELEGATION DOCTRINE, <i>Richard B. Stewart</i> .....	323
PRESIDENTIAL CONTROL OF REGULATORY AGENCY DECISIONMAKING, <i>Thomas O. McGarity</i> .....	443
ON THE CONSTITUTIONAL STATUS OF THE ADMINISTRATIVE AGENCIES, <i>Harold H. Bruff</i> .....	491

### COMMENTARIES

RETURNING TO FIRST PRINCIPLES, <i>Ernest Gellhorn</i> .....	345
SEPARATION OF POWERS AND THE POWERS THAT BE: THE CONSTITUTIONAL PURPOSES OF THE DELEGATION DOCTRINE, <i>David Schoenbrod</i> .....	355
POLITICAL ACCOUNTABILITY AND DELEGATED POWER: A RESPONSE TO PROFESSOR LOWI, <i>Richard J. Pierce, Jr.</i> .....	391
THE DELEGATION DEBATE AND COMPETING IDEALS OF THE ADMINISTRATIVE PROCESS, <i>Thomas O. Sargentich</i> .....	419
PRESIDENTIAL POWERS, <i>Colin S. Diver</i> .....	519
PRESIDENT X AND THE NEW (APPROVED) DECISIONMAKING, <i>Oliver A. Houck</i> .....	535

EXECUTIVE OVERSIGHT OF RULEMAKING: THE PRESIDENT IS NO STRANGER, <i>Philip J. Harter</i> .....	557
CONVENTIONALISM IN CONSTITUTIONAL INTERPRETATION AND THE PLACE OF ADMINISTRATIVE AGENCIES, <i>Peter M. Shane</i> .....	573

## APPENDIX A

LIST OF SYMPOSIUM PARTICIPANTS, .....	601
---------------------------------------	-----

## INTRODUCTION

THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT: AT THE LEADING EDGE OF HIGH TECHNOLOGY ISSUES, <i>Robert D. Wallick, Neil R. Ellis</i> .....	801
--	-----

## ARTICLE

"PRACTICAL UTILITY" IS A USELESS CONCEPT, <i>Eric P. Mirabel</i> .....	811
--	-----

## AREA SUMMARIES

FEDERAL EMPLOYMENT DECISIONS OF THE FEDERAL CIRCUIT, <i>Robert G. Vaughn</i> .....	825
PATENT LAW DEVELOPMENTS IN THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT DURING 1986, <i>Douglas A. Strawbridge, Daniel W. McDonald, R. Carl Moy</i> .....	861
REVIEW OF THE 1986 TRADEMARK DECISIONS OF THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT, <i>Henry W. Leeds, Norm D. St. Landau</i> .....	903
THE FEDERAL CIRCUIT'S EMERGING ROLE IN BID PROTEST CASES, <i>David R. Hazelton</i> ..	919

## COMMENT

SUBJECT MATTER JURISDICTION IN THE FEDERAL CIRCUIT: A LESSON ON THE EFFECTS OF A POORLY DRAFTED STATUTE, <i>Wayne T. Ault</i> .....	943
---	-----

## NOTES

<i>PANDUIT CORP. v. DENNISON MANUFACTURING CO.: DE NOVO REVIEW AND THE FEDERAL CIRCUIT'S APPLICATION OF THE CLEARLY ERRONEOUS STANDARD, Maureen McGirr</i> .....	963
<i>AMERICAN LAMB CO. v. UNITED STATES: MORE PROTECTION OR LESS FOR THE DOMESTIC INDUSTRY, Judy Smith</i> .....	983
<i>FLORIDA ROCK INDUSTRIES, INC. v. UNITED STATES, Anthony L. Shurn</i> .....	999
<i>GAVETTE v. OFFICE OF PERSONNEL MANAGEMENT, THE RIGHT TO ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT, Nancy A. Streeff</i> .....	1013
<i>IN RE WELLA A.G.: THE CONFUSION ABOUT CONFUSION, Lisa Miller</i> .....	1027
<i>STUDIENGESELLSCHAFT KOHLE mbH v. NORTHERN PETROCHEMICAL, Pamela H. Malech</i> ..	1041

## CASE NOTES

COMPARABLE WORK, COMPARABLE PAY: RETHINKING THE DECISION OF THE NINTH CIRCUIT COURT OF APPEALS IN <i>American Federation of State, County, and Municipal Employees v. Washington, Amelia K. Duroski</i> .....	245
REPUBLICANS AS A PROTECTED CLASS?: <i>Harrison v. KVAT Food Management, Inc.</i> and the Scope of Section 1985(3), <i>Daniel E. Durden</i> .....	193
<i>Roy v. Cohen</i> : Social Security Numbers and the Free Exercise Clause, <i>James J. Lawless, Jr.</i> .....	217
A STEALTHY ENCROACHMENT: OBSCENITY AND THE FOURTH AMENDMENT UNDER <i>Maryland v. Macon, Jeanne Fiander</i> .....	773

## COMMENTS

THE APPLICABILITY OF ELEVENTH AMENDMENT IMMUNITY UNDER THE COPYRIGHT ACTS OF 1909 AND 1976, <i>Susan Shoenfeld</i> .....	163
DEPARTMENT OF TRANSPORTATION'S SECTION 4(F): PAVING THE WAY TOWARD PRESERVATION, <i>Barbara Miller</i> .....	633
ENFORCING INTERNATIONAL COMMERCIAL ARBITRATION AGREEMENTS—POST- <i>Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., Jill A. Pietrowski</i> .....	57
<i>In re Japanese Electronic Products Antitrust Litigation</i> : Sovereign Compulsion, Act of State, and the Extraterritorial Reach of the United States Antitrust Laws, <i>James Wilson Perkins</i> .....	721
MOVING TOWARD A BETTER-DEFINED STANDARD OF PUBLIC INTEREST IN ADMINISTRATIVE DECISIONS TO SUSPEND GOVERNMENT CONTRACTORS, <i>Donna Morris Duvall</i> .....	693
THE NEED FOR A UNIFORM CLASSIFICATION OF REPURCHASE AGREEMENTS: RECONCILING INVESTOR PROTECTION WITH ECONOMIC REALITY, <i>Elizabeth M. Osenton</i> .....	669
THE PROBLEM WITH RCRA—DO THE FINANCIAL RESPONSIBILITY PROVISIONS REALLY WORK?, <i>Judith M. Nixon</i> .....	133
PROMOTING SHAREHOLDER EQUALITY IN STOCK ACCUMULATION PROGRAMS FOR CORPORATE CONTROL, <i>Allen E. Kelinsky</i> .....	93

## INDEX - DIGEST

### ADMINISTRATIVE AGENCIES

- How Should the Courts Treat Administrative Agencies? ..... 1
- Revisiting the Constitutional Status of the Administrative Agencies ..... 277

### ALTERNATIVE DISPUTE RESOLUTION

- Enforcing International Commercial Arbitration Agreements—*Post-Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.* ..... 57

### ANTITRUST

- In re Japanese Electronic Products Antitrust Litigation: Sovereign Compulsion, Act of State, and the Extraterritorial Reach of the United States Antitrust Laws* ..... 721

### BATTERED WOMEN

- The Excuse of Self-Defense: Correcting a Historical Accident on Behalf of Battered Women Who Kill ..... 11

### COMPARABLE WORTH

- Comparable Worth, Comparable Pay: Rethinking the Decision of the Ninth Circuit Court of Appeals in *American Federation of State, County, and Municipal Employees v. Washington* ..... 245

### COPYRIGHT

- The Applicability of Eleventh Amendment Immunity Under the Copyright Acts of 1909 and 1976 ..... 163

### DELEGATION OF POWERS TO ADMINISTRATIVE AGENCIES

- Beyond Delegation Doctrine ..... 323
- The Delegation Debate and Competing Ideals of the Administrative Process ..... 419
- Political Accountability and Delegated Powers: A Response to Professor Lowi ..... 391
- Returning to First Principles ..... 345
- Separation of Powers and the Powers That Be: The Constitutional Purposes of the Delegation Doctrine ..... 355
- Two Roads to Serfdom: Liberalism, Conservatism, and Administrative Power ..... 295

### ENVIRONMENTAL PROTECTION

- Department of Transportation's Section 4(f): Paving the Way Toward Preservation .... 633
- The Problem with RCRA—Do the Financial Responsibility Provisions Really Work? .. 133

### FREE EXERCISE CLAUSE

- Roy v. Cohen*: Social Security Numbers and the Free Exercise Clause ..... 217

### GOVERNMENT CONTRACTS

- Moving Toward a Better Defined Standard of Public Interest in Administrative Decisions to Suspend Government Contracts ..... 693

### PRESIDENTIAL OVERSIGHT OF REGULATORY DECISIONMAKING

- Conventionalism in Constitutional Interpretation and the Place of Administrative Agencies ..... 573
- Executive Oversight of Rulemaking: The President is No Stranger ..... 557
- On the Constitutional Status of the Administrative Agencies ..... 491
- President X and the New (Approved) Decisionmaking ..... 535

Presidential Control of Regulatory Agency Decisionmaking .....	443
Presidential Powers .....	519
<b>PRESS SOURCE CONFIDENTIALITY</b>	
The "No-Source" Presumption: The Harshest Remedy .....	603
<b>REPURCHASE AGREEMENTS</b>	
The Need for a Uniform Classification of Repurchase Agreements: Reconciling Investor Protection with Economic Reality .....	669
<b>SCOPE OF SECTION 1985(3)</b>	
Republicans as a Protected Class? <i>Harrison v. KVAT Food Management, Inc.</i> and the Scope of Section 1985(3) .....	193
<b>SEARCH AND SEIZURE</b>	
A Stealthy Encroachment: Obscenity and the Fourth Amendment Under <i>Maryland v. Macon</i> .....	773
<b>TENDER OFFERS</b>	
Promoting Shareholder Equality in Stock Accumulation Programs for Corporate Control	93
<b>UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT</b>	
The United States Court of Appeals for the Federal Circuit: At the Leading Edge of High Technology Issues, <i>Robert D. Wallick, Neil R. Ellis</i> .....	801
"Practical Utility" Is a Useless Concept, <i>Eric P. Mirabel</i> .....	811
Federal Employment Decisions of the Federal Circuit, <i>Robert G. Vaughn</i> .....	825
Patent Law Developments in the United States Court of Appeals for the Federal Circuit During 1986, <i>Douglas A. Strawbridge, Daniel W. McDonald, R. Carl Moy</i> .....	861
Review of the 1986 Trademark Decisions of the Court of Appeals for the Federal Circuit, <i>Henry W. Leeds, Norm D. St. Landau</i> .....	903
The Federal Circuit's Emerging Role in Bid Protest Cases, <i>David R. Hazelton</i> .....	919
Subject Matter Jurisdiction in the Federal Circuit: A Lesson on the Effects of a Poorly Drafted Statute, <i>Wayne T. Ault</i> .....	943
<i>Panduit Corp. v. Dennison Manufacturing Co.</i> : De Novo Review and the Federal Circuit's Application of the Clearly Erroneous Standard, <i>Maureen McGirr</i> .....	963
<i>American Lamb v. United States</i> : More Protection or Less for the Domestic Industry, <i>Judy Smith</i> .....	983
<i>Florida Rock Industries, Inc. v. United States</i> , <i>Anthony L. Shurn</i> .....	999
<i>Gavette v. Office of Personnel Management</i> , The Right to Attorney Fees Under the Equal Access to Justice Act, <i>Nancy A. Streeff</i> .....	1013
<i>In re Wella A.G.</i> : The Confusion About Confusion, <i>Lisa Miller</i> .....	1027
<i>Studiengesellschaft Kohle mbH v. Northern Petrochemical</i> , <i>Pamela H. Malech</i> .....	1041

## TABLE OF CASES

Cases indexed are only those  
that appear in the text of the Review.

<i>A.B. Dick Co. v. Burroughs Corp.</i> . . . .	882	<i>Chemical Manufacturers Association v. Natural Resources Defense Council</i> . . . .	411
<i>A.L.A. Schecter Poultry Corp. v. United States</i> . . . . .	291, 298, 573	<i>Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.</i> . . . . .	4,384, 411, 510, 512, 513, 517, 561
<i>Alexander v. National Farmers Organization</i> . . . . .	627	<i>Chisolm v. Georgia</i> . . . . .	166
<i>American Banana Co. v. United Fruit Co.</i> . . . . .	732	<i>Cine Forty-Second St. Theatre Corp. v. Allied Artists Pictures Corp.</i> . . . . .	626
<i>American Bank &amp; Trust Co. v. Community Hospital</i> . . . . .	154	<i>Citizen Advocates for Responsible Expansion, Inc. (I-CARE) v. Dole</i> . . . . .	649
<i>American Federation of State, County, and Municipal Employees v. Washington</i> . . . . .	245, 249, 274	<i>Citizens to Preserve Overton Park v. Volpe</i> . . . . .	291, 567, 637, 644, 653
<i>American Grape Growers Alliance v. United States</i> . . . . .	990	<i>Coastal Corp. v. United States</i> . . . . .	807
<i>American Hoist &amp; Derrick Co. v. Sowa &amp; Sons, Inc.</i> . . . . .	881	<i>Coastal States Marketing, Inc. v. New England Petroleum Corp.</i> . . . . .	948
<i>American Lamb Co. v. United States</i> . . . . .	983, 985, 991, 995	<i>Collins v. Hardyman</i> . . . . .	202
<i>American Safety Equipment Corp. v. J.P. Maguire &amp; Co.</i> . . . . .	77	<i>Commodity Futures Trading Commission v. Schor</i> . . . . .	502, 503
<i>Arkansas Community Organization for Reform Now v. Coleman</i> . . . . .	649	<i>Connolly v. Pension Benefit Guarantee Corp.</i> . . . . .	1002, 1012
<i>Armstrong Rubber Co. v. United States</i> . . . . .	990	<i>Corning Glass Works v. Brennan</i> . . . . .	254
<i>Atari, Inc. v. JS &amp; A Group, Inc.</i> . . . .	953	<i>Corning Glass Works v. ITC</i> . . . . .	806
<i>ATL, Inc. v. United States</i> . . . . .	707	<i>County of Washington v. Gunther</i> . . . .	259
<i>Baker v. Carr</i> . . . . .	389	<i>CPG Products Corp. v. Pegasus Luggage, Inc.</i> . . . . .	896
<i>Barker v. Bledsoe</i> . . . . .	629	<i>Crowell v. Benson</i> . . . . .	323, 503, 504
<i>Bolling v. Sharpe</i> . . . . .	591	<i>Dellums v. Powell</i> . . . . .	625
<i>Bowen v. Roy</i> . . . . .	243	<i>Dennison Manufacturing Co. v. Panduit Corp.</i> . . . . .	875
<i>Bowsher v. Synar</i> . . . . .	279, 287, 291, 323, 324, 343, 411, 412, 502, 506, 548	<i>DeRobert v. Gannett Co.</i> . . . . .	613, 617
<i>Branzburg v. Hayes</i> . . . . .	608, 616	<i>Downing v. Monitor Publishing Co.</i> . . . .	613, 615
<i>Brooks v. Volpe</i> . . . . .	647	<i>Druid Hills Civic Association, Inc. v. Federal Highway Administration</i> . . . . .	659
<i>Brown v. Board of Education</i> . . . . .	597	<i>Edelman v. Jordan</i> . . . . .	172
<i>Brown v. Commonwealth</i> . . . . .	613	<i>Electro-Methods, Inc. v. United States</i> . . . . .	707
<i>Buckley v. Valeo</i> . . . . .	279, 287, 291, 411, 500, 501, 505, 506, 524, 548, 586	<i>Electronic Data Systems Federal Corp. v. GSBGA (EDS)</i> . . . . .	934
<i>CACI, Inc.-Federal v. United States</i> . . .	936	<i>Employees of the Department of Public Health &amp; Welfare v. Missouri Department of Public Health &amp; Welfare</i> . . . . .	170, 187
<i>California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.</i> . . . . .	747	<i>Energy Ventures, Inc. v. Appalachian Co.</i> . . . . .	112
<i>Callahan v. Woods</i> . . . . .	230	<i>Ex parte Young</i> . . . . .	168, 172
<i>Carey v. Hume</i> . . . . .	617, 631	<i>FCC v. WNCN Listeners Guild</i> . . . . .	411
<i>Cattlemen's Investment Co. v. Fears</i> . .	101	<i>Federal Election Commission v. Democratic Senatorial Campaign Committee</i> . . . . .	7
<i>Central Soya v. George A. Hormel &amp; Co.</i> . . . . .	894		
<i>Cervantes v. Time, Inc.</i> . . . . .	617		
<i>Chaparral Communications, Inc. v. Boman Industries, Inc.</i> . . . . .	870		

<i>Florida Rock Industries, Inc. v. United States</i> .....	999, 1003
<i>FPC v. Hope Natural Gas Co.</i> ..	363, 364, 402
<i>Fullilove v. Klutznick</i> .....	579
<i>Garcia v. San Antonio Metropolitan Transit Authority</i> .....	292, 574
<i>Garland v. Torre</i> .....	608
<i>Gavette v. Office of Personnel Management</i> .....	849, 1013, 1014, 1019
<i>Gemveto Jewelry Co. v. Jeff Cooper, Inc.</i> ..	916
<i>Gertz v. Robert Welch, Inc.</i> .....	622
<i>Grand Forks Herald v. District Court</i> ..	609
<i>Great American Federal Savings &amp; Loan Association v. Novotny</i> .....	215
<i>Griffin v. Breckenridge</i> .....	194, 202, 213
<i>Griggs v. Duke Power Co.</i> .....	257
<i>Hans v. Louisiana</i> .....	167
<i>Hanson Trust PLC v. SCM Corp.</i> 97, 104, 125	
<i>Harrison v. KVAT Food Management, Inc.</i> .... 193, 195, 196, 206, 209, 213, 215	
<i>Heat &amp; Control, Inc. v. Hester Industries, Inc.</i> .....	869
<i>Heckler v. Chaney</i> .....	561
<i>Herbert v. Lando</i> .....	618
<i>H. Marvin Ginn Corp. v. International Ass'n of Fire Chiefs</i> .....	910
<i>Hohri v. United States</i> .....	951
<i>Hoover Co. v. Fuqua Industries</i> .....	101
<i>Hoska v. United States Department of Army</i> .....	1017
<i>Hughes Aircraft Co. v. United States</i> ..	887
<i>Humphrey's Executor v. United States</i> .....	287, 466, 481, 498, 548, 573
<i>Industrial Union Dep't, AFL-CIO v. American Petroleum Inst.</i> .....	324
<i>In re Air Products</i> .....	1031, 1032
<i>In re Bed &amp; Breakfast Registry</i> ....	912, 914
<i>In re Bremner</i> .....	815
<i>In re Champion International Corp.</i> ..	1032
<i>In re Citibank, N.A.</i> .....	1032
<i>In re Corsetti</i> .....	613
<i>In re Diamond Walnut Growers, Inc. &amp; Sunsweet Growers, Inc.</i> .....	1033
<i>In re Farber</i> .....	620
<i>In re Japanese Electronic Products Antitrust Litigation</i> .....	721, 751
<i>In re Japanese Electronic Products Antitrust Litigation (Matsushita)</i> ..	723
<i>In re Jerabek</i> .....	881
<i>In re Kaplan</i> .....	880
<i>In re Lombard-Wall, Inc.</i> .....	680, 683
<i>In re Lundak</i> .....	804
<i>In re Manson</i> .....	817
<i>In re Nelson</i> .....	816
<i>In re Newman</i> .....	804, 872
<i>In re Queener</i> .....	884
<i>In re Research &amp; Trading Corp.</i> .....	913
<i>In re Vogel</i> .....	1044
<i>In re Walles</i> .....	1045
<i>In re Weiler</i> .....	884
<i>In re Wella A.G.</i> .....	907, 917, 1027, 1033, 1040
<i>INS v. Chadha</i> .....	279, 287, 291, 323, 324, 343, 356, 366, 383, 411, 500, 501, 505, 506, 508, 523, 548, 554, 585, 596
<i>Interamerican Refining Corp. v. Texaco Maracaibo, Inc.</i> .....	748
<i>Intermedics Infusaid, Inc. v. Regents of the University of Minnesota</i> .....	876
<i>ITT v. International Mobile Machine Corp.</i> .....	906
<i>Jaskiewicz v. Massinghoff</i> .....	864
<i>Jeannette Sheet Glass Corp. v. United States</i> .....	989
<i>Johnson v. University of Virginia</i> ...	165, 182
<i>Jones v. Hardy</i> .....	969
<i>Keating v. Carey</i> .....	196, 205, 209
<i>Keene Publishing Corp. v. Cheshire County Superior Court</i> .....	616
<i>Keene Publishing Corp. v. Keene District Court</i> .....	616
<i>King Instrument Corp. v. Otari Corp.</i> ..	896
<i>Kinzenbaw v. Deere &amp; Co.</i> .....	887
<i>Kloster Speedsteel v. Crucible</i> .....	898
<i>Lindemann Maschinenfabrik GMBH v. American Hoist &amp; Derrick Co.</i> ....	971
<i>Lo-Ji Sales, Inc. v. New York</i> .....	783, 793
<i>Louisiana Environmental Society, Inc. v. Coleman</i> .....	645, 658
<i>McDonnell Douglas Corp. v. Green</i> ...	268
<i>Machinery Corp. of America v. Gullfiber AB</i> .....	896
<i>Majorette Toys (U.S.) Inc. v. Darda, Inc. U.S.A.</i> .....	868
<i>Mannington Mills, Inc. v. Congoleum Corp.</i> .....	738
<i>Maressa v. New Jersey Monthly</i> .....	619
<i>Maryland v. Macon</i> .....	773, 775, 776, 784, 791, 797, 798
<i>Massachusetts v. McDonald</i> .....	613
<i>Matthews v. Eldridge</i> .....	715
<i>Mazzella v. Philadelphia Newspapers, Inc.</i> .....	612
<i>Memoirs v. Massachusetts</i> .....	777
<i>Mihalek Corp. v. Michigan</i> .....	181
<i>Miller v. California</i> .....	778
<i>Miller v. Transamerican Press, Inc.</i> ..	618, 632
<i>Miller v. United States</i> .....	1017
<i>Mills Music, Inc. v. Arizona</i> ...	165, 179, 180

<i>Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.</i> .....	57, 61, 79
<i>Moeller v. Ionetics, Inc.</i> .....	888
<i>Motor Vehicle Manufacturers Assoc. v. State Farm Mutual Insurance Co.</i> .....	411, 461, 511, 517
<i>Mr. Hero Sandwich Systems, Inc. v. Roman Meal Co.</i> .....	915
<i>Myers v. United States</i> .....	287, 472, 480, 481, 496, 497, 498, 499, 505, 509, 510
<i>Nachman Corp. v. Halfred, Inc.</i> .....	102
<i>Natural Resources Defense Council, Inc. v. Gorsuch</i> .....	5
<i>New York Times v. Sullivan</i> ..	615, 616, 618
<i>Nixon v. Fitzgerald</i> .....	505
<i>NKF Engineering, Inc. v. United States</i> .....	936
<i>North Dakota State Board of Pharmacy v. Snyder's Drug Stores, Inc.</i> .....	352
<i>Northern Pipeline Construction Co. v. Marathon Pipe Line Co.</i> .....	279, 292, 323, 503, 504
<i>Olsen v. Department of Commerce</i> ...	1016
<i>Orthokinetics, Inc. v. Safety Travel Chairs, Inc.</i> .....	891
<i>Panama Refining Co. v. Ryan</i> .....	291
<i>Panduit Corp. v. Dennison Manufacturing Co.</i> .....	803, 963, 972
<i>Panduit Corp. v. Dennison Manufacturing Co. (Panduit I)</i> ...	965
<i>Parden v. Terminal Railroad of the Alabama State Docks Department</i> .	169
<i>Paul v. Davis</i> .....	623
<i>Perkins v. Lukens Steel Co.</i> .....	923
<i>Petty v. Tennessee-Missouri Bridge Commission</i> .....	168
<i>Plessy v. Ferguson</i> .....	597
<i>Plotkin v. Van Nuys Publishing Co.</i> ..	619
<i>Porter v. Farmers Supply Service</i> .....	877
<i>Power Controls Corp. v. Hybrinetics, Inc.</i> .....	917
<i>Quern v. Jordan</i> .....	181
<i>Radio Steel &amp; Manufacturing Co. v. MTD Products, Inc.</i> .....	900
<i>RCA Corp. v. Applied Digital Data Systems, Inc.</i> .....	971
<i>Redrup v. New York</i> .....	777
<i>Regents of the University of California v. Bakke</i> .....	579
<i>Republic Steel Corp. v. United States</i> .	988
<i>Rigaku Corp. v. Ferrofluidics Corp.</i> ...	871
<i>Roaden v. Kentucky</i> .....	779
<i>Roe v. Wade</i> .....	581
<i>Rolls-Royce v. GTE Valeron</i> .....	898
<i>Roth v. United States</i> .....	776
<i>Roy v. Cohen</i> .....	217, 218, 231, 241
<i>Scanwell Laboratories, Inc. v. Shaffer</i> .	924
<i>Scherk v. Alberto-Culver Co.</i> .....	73
<i>Schwarzkopf Development Corp. v. Ti-Coating</i> .....	867
<i>SEC v. Carter Hawley Hale Stores, Inc.</i>	104
<i>SEC v. Miller</i> .....	679, 688
<i>Senz-Gel Corp. v. Seiffhart</i> .....	886
<i>SGK v. Northern Petrochemical</i> .....	1047, 1049, 1050
<i>S-G Securities, Inc. v. Fuqua Investment Co.</i> .....	102
<i>Shiley, Inc. v. Bentley Laboratories, Inc.</i>	874
<i>Sierra Club v. Castle</i> .....	456, 512
<i>Slaughter-House Cases</i> .....	579
<i>Smyth v. Ames</i> .....	363
<i>Spaulding v. University of Washington State Industries, Inc. v. A.O. Smith Corp.</i> .....	895
<i>State v. Boiardo</i> .....	620
<i>State v. Buchanan</i> .....	609
<i>State v. Knops</i> .....	610
<i>Stevens v. Berger</i> .....	229
<i>Stickle v. Heublein, Inc.</i> .....	892
<i>Stop H-3 Association v. Coleman</i> ...	648, 652
<i>Stop H-3 Association v. Dole</i> .....	655
<i>Studiengesellschaft Kohle mbH v. Northern Petrochemical Co.</i> .....	880, 1041
<i>Studiengesellschaft Kohle mbH v. Northern Petrochemical (SGK)</i> ...	1041
<i>Surface Technology, Inc. v. ITC</i> .....	806
<i>Synar v. United States</i> .....	361
<i>Texas Department of Community Affairs v. Burdine</i> .....	269
<i>Texas Instruments, Inc. v. United States International Trade Commission</i> .....	889
<i>Ticor Title Ins. Co. v. ITC</i> .....	283
<i>The Bremen v. Zapata Off-Shore Corp.</i>	75
<i>Timberlane Lumber Co. v. Bank of America</i> .....	736
<i>Transco Security, Inc. of Ohio v. Freeman</i> .....	708
<i>TVI Energy v. Blane</i> .....	808
<i>Underwater Devices, Inc. v. Morrison-Knudsen Co.</i> .....	893
<i>United Brotherhood of Carpenters Local 610 v. Scott</i> .....	205, 206, 211
<i>United States v. Amdahl Corp.</i> .....	808
<i>United States v. Aluminum Co. of America (Alcoa)</i> .....	734
<i>United States v. Carolene Products Co.</i>	389
<i>United States v. Harris</i> .....	199
<i>United States v. Nixon</i> .....	308, 486,



	504, 515, 525, 616		
<i>United States v. Rogerson Aircraft Controls</i> .....	808	<i>Wihl v. Crow</i> .....	179
<i>United States v. Sumitomo Marine &amp; Fire Insurance Co.</i> .....	626	<i>Wilko v. Swan</i> .....	72
<i>United States v. The Thorson Co.</i> ....	939	<i>Williamson v. Lee Optical Co.</i> .....	352
<i>Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.</i> .....	2, 291	<i>Windsurfing International, Inc. v. AMF Inc.</i> .....	886
<i>Wellman v. Dickinson</i> .....	103	<i>W.L. Gore &amp; Associates, Inc. v. Garlock, Inc.</i> .....	971
<i>Wheaton v. Peters</i> .....	175	<i>Wyden v. Commissioner of Patents and Trademarks</i> .....	864
		<i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> .....	481

L

S

6

7

I

